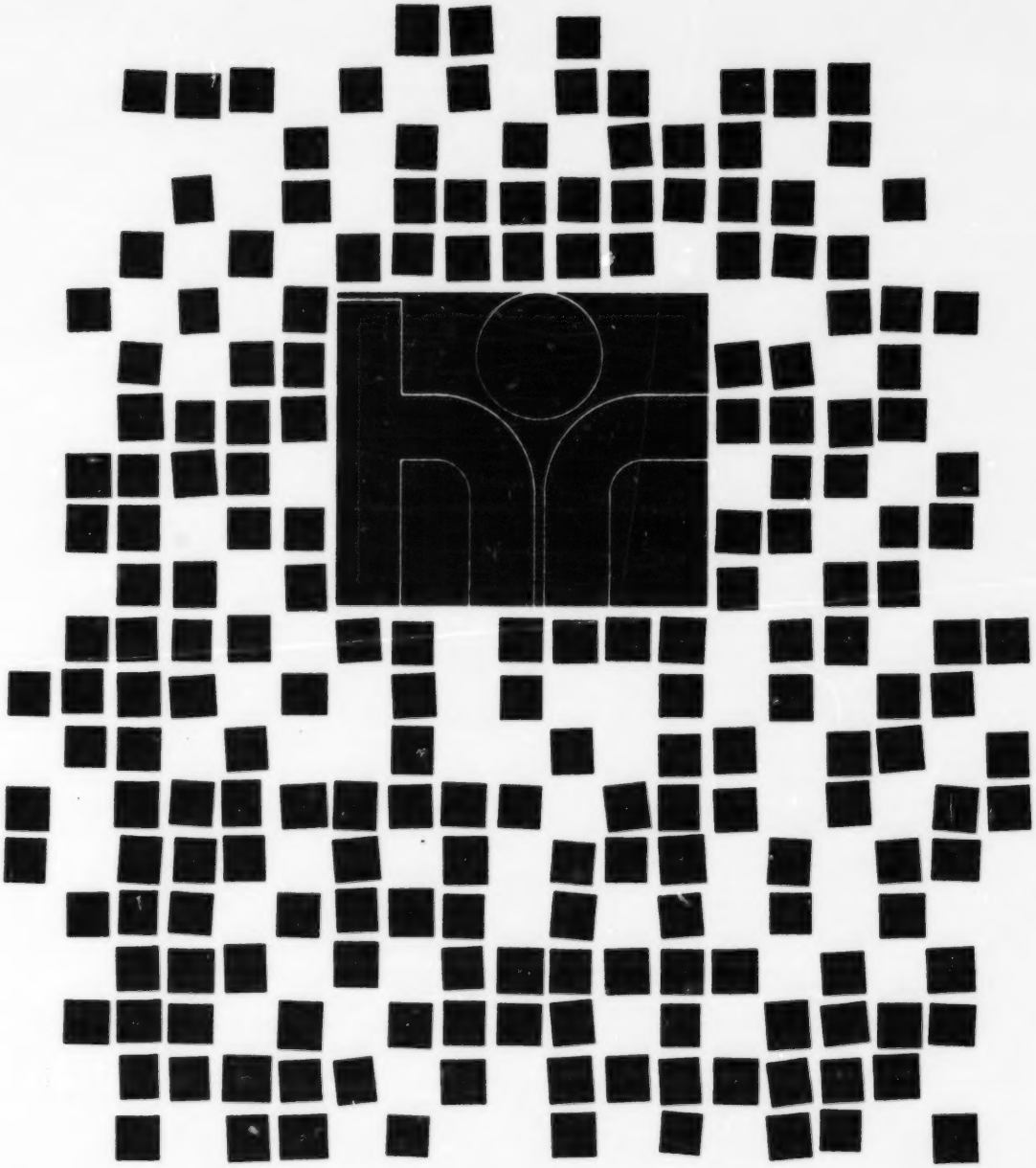


ANNUAL REPORT

1 APRIL 1986 - 31 MARCH 1987

Alberta

HUMAN RIGHTS COMMISSION

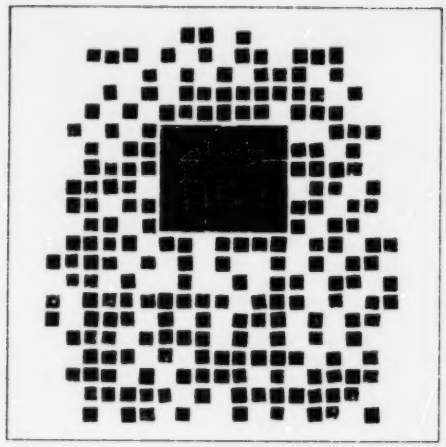
The Alberta Human Rights Commission's logo symbolizes several important concepts associated with human rights

The figure represents a person; it makes no distinction on gender or race, representing equality in humanity.

The figure's outstretched arms represent an open willingness to accept all people, acknowledging the inherent dignity of all men and women.

The figure holds a staff, which represents the assistance and support given through human rights legislation.

The letter "h" represents a wheelchair; the wheelchair is a symbol associated internationally with the physically disabled.



ANNUAL REPORT

1 APRIL 1986 - 31 MARCH 1987

HRC / 87 A 800
ISSN 0380 4518

Alberta
LABOUR

Office of the Minister

420 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3664

September, 1987

The Honourable Dr. D. Carter
Speaker
Legislative Assembly of Alberta

Sir:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ending March 31, 1987, in accordance with Section 18(2) of the Individual's Rights Protection Act.

Respectfully submitted,

Ian C. Reid
Minister of Labour

Alberta
HUMAN RIGHTS COMMISSION

Room 902, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G2 403/427-3116

September, 1987

The Honourable Dr. Ian Reid
Minister of Labour
420 Legislature Building
Edmonton, Alberta

Dear Dr. Reid:

I am pleased to submit to you, the Minister responsible for administering the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for fiscal year 1986-87 for tabling before the Legislative Assembly.

Yours truly,

Stan Scudder

Stan Scudder
Chairman

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"WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, physical disability, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected...".

FROM THE PREAMBLE TO THE INDIVIDUAL'S RIGHTS PROTECTION ACT

CHAIRMAN'S REPORT

In 1986-87, the Alberta Human Rights Commission reviewed its priorities, established its goals for the year, and engaged in a number of new and innovative activities to involve and inform the Alberta public on human rights.

Unfortunately, some of our priorities and planned activities had to be revised following budget cutbacks announced about three quarters of the way into the fiscal year. The impact of the cutbacks will carry over into 1987-88.

Despite these, we made full use of our resources in 1986-87 to educate the public, and investigate complaints, as the Individual's Rights Protection Act requires us to do. We also made a number of recommendations to the Government of Alberta to ensure broader coverage of human rights and to clarify certain sections of our Act.

A major effort centred on the Commission's recommendation to the Government of Alberta that mental disability be added as a protected ground under the act. This would give the mentally disabled similar protection now afforded to the physically disabled. We involved the public in our effort to ensure our principles and guidelines were sound. We will continue to encourage public involvement in such significant matters.

A number of other recommendations are outlined in this report.

The Commission gave 343 education workshops, seminars and presentations, compared to 281 the previous year; 10,637 people were involved. Educating the public is a basic approach to gaining acceptance and understanding of what our human rights act is designed to do. We'll strive to ensure as many people as possible know their rights and accept them as special rights in a free society.

The Commission was involved in 'Career and Life Management', Alberta Education's new curriculum for senior high school students, to introduce them to contemporary issues awaiting them in the working world. Human rights will be a part of this curriculum.

We were involved in a new program called 'Avalon: Management Strategies for Cultural Diversity.' Acknowledging that Alberta is a multicultural province, the program is being developed by Alberta Culture to provide to government managers training in working in a multicultural environment. The Commission provides input into the program, developed by Alberta Culture towards education and training, through the Executive Director, who is a member of the advisory committee to the Institute of Multicultural Resource Development.

During public meetings of the Commission, we listened to groups which made presentations on subjects pertinent to human rights. We encourage this dialogue.

The commissioners, senior management staff and I also gave presentations at formal and informal functions as part of a newly created speakers bureau. We'll keep promoting the bureau as another resource available to the public.

To further promote human rights, the commission introduced its human rights award program on December 10, a special day in our calendar, commemorated annually as International Human Rights Day, to celebrate the signing of the Universal Declaration of Human Rights in 1948.

Our efforts on that day will be to recognize Albertans who have made special contributions to human rights, people who set a positive example for others.

While our efforts to promote and educate the public about human rights progressed in 1986-87, the Commission also handled 20 percent more complaints over the previous fiscal year: 287 complaints compared to 240 in 1985-86.

Most of the increase was in the area of employment on the grounds of race, colour and pregnancy. There was a notable increase in complaints on the grounds of pregnancy, to 33 from 13. In part, this is due to an increased awareness of this new protected ground, introduced to our act in 1985.

In all other areas there was a small increase except on the grounds of age and religious beliefs, which decreased slightly. There were 28 complaints in the area of services and accommodations customarily available to the public, down from 39 the previous year.

In the previous fiscal year, Pearl Calahasen of Peace River was appointed a commissioner, and the term of Commissioner Gerri Many Fingers, who served since 1982, was completed.

Generally, the year provided us with opportunities to develop new programs and undertake greater challenges in human rights, including those which faced us in the light of general budget restraint.

Stan Scudder

Stan Scudder
Chairman
Alberta Human Rights Commission

MANDATE

INDIVIDUAL'S RIGHTS PROTECTION ACT

The Individual's Rights Protection Act bestows on the Alberta Human Rights Commission a twofold mandate:

(1) to promote and safeguard the spirit and principles embodied in the Act

(2) to protect Albertans against acts of discrimination

The Commission fulfills its mandate by educating the public about the Act and by investigating complaints of discrimination.

The Act protects Albertans from discrimination in four main areas: employment, tenancy, public services and accommodation, and signs and notices published or displayed before the public.

It is against the Act to discriminate against anyone in the four areas because of race, colour, sex, religious beliefs, physical disability, ancestry or place of origin. In employment, age, pregnancy (when employed) and marital status are protected grounds.

Age is also a protected ground in signs and notices.

The Act aims to give Albertans an equal opportunity, free of discrimination, to earn a living, find a place to live and enjoy public services and accommodations.

The Commission attempts to negotiate settlements that satisfactorily resolve complaints. Its work is remedial, not punitive. That is, the Commission negotiates remedies that will, to the greatest extent possible, restore the individual to the same position he or she was in before the act of discrimination took place.

The Commission does not look for guilt or innocence in a complaint, nor does it have the power to legally order an employer, landlord or service provider to pay a fine or agree to a settlement. The Act is not a penal statute, as is the criminal code. Consequently, enforcement does not result in an individual or a company being found guilty, or a criminal offender. Throughout the investigation of a complaint, the emphasis is on establishing the facts and, where they substantiate the complaint, in resolving the complaint.

Through the Commission's educational activities, schools, businesses, unions, special interest groups and the general public learn about the provisions of the Individual's Rights Protection Act. They are encouraged to apply its principles in their day-to-day relationship with fellow Albertans.

Through education, Albertans realize that the Act is not designed to control prejudice - what people think - but to prohibit discrimination - what people do.

HUMAN RIGHTS COMMISSION

The Alberta Human Rights Commission is made up of seven commissioners appointed by the Lieutenant Governor in Council to represent the public at large. A chairman is appointed from among the commissioners, who hold their positions part-time. The Minister of Labour is responsible for administering the Individual's Rights Protection Act.

The Commission is an autonomous and independent body. It meets every month with meetings alternating between Calgary and Edmonton. Meetings are sometimes held in other parts of the province.

A portion of some meetings is open to the public and news media. This has also enabled groups and individuals to present to the Commission matters of mutual interest and concern.

Confidential sessions are used to formulate policies, review complaints and discuss issues affecting the Act.

COMMISSIONERS

(see pages 14 - 16 for biographies)

	TERM EXPIRES
Stan Scudder, Chairman	31 March 1989
Barbara Tate	31 January 1990
Enrico Lazo	31 January 1990
Edna Short	31 December 1989
Pearl Calahasen	31 October 1989
William Leslie	31 October 1988
Suzanne Mah	31 October 1988
Gerri Many Fingers	30 June 1986

ADMINISTRATION

Commission staff, who are full-time public service employees, includes three administrative staff, two supervisors, four education officers, seven investigators and seven support staff. The Commission's budget was $1.3 million in 1986-87.

In the Commission's head office in Edmonton are the chairman, executive director, and support staff. The office is separate from the Commission's regional offices, where most of the contacts between the public and commission staff occur. The northern regional office in Edmonton is responsible for the province north of Red Deer, while the southern regional office in Calgary is responsible for Commission activities in Red Deer and area south.

Staff handled more than 9,300 telephone enquiries. About 1,400 of them fell within its jurisdiction, resulting in 287 complaints. Staff referred callers to the appropriate agency or government department when the enquiries were outside its jurisdiction.

The Commission continued to enhance its investigation and processing of complaints. The average time to settle a complaint was 95 days compared to 97 days in 1985-86 and 495 days seven years ago.

BOARDS OF INQUIRY

If the Commission is unable to settle a complaint, it can direct the Minister of Labour to appoint a board of inquiry, a quasi-judicial body, to formally conduct an inquiry. A board of inquiry is separate and distinct from the Commission. At this level the Commission has carriage of the complaint. That is, its duty is to take the complaint before the board.

A board of inquiry hears evidence from both the complainant and the respondent, and all other parties to the proceeding, and issues a decision based upon the evidence heard as it pertains to the Individual's Rights Protection Act.

Decisions of the board can be appealed to the Court of Queen's Bench on a question of fact or mixed fact and law.

In addition to the powers under Section 31 of the IRPA, the board, as a quasi-judicial body, has the powers established under the Public Inquiries Act. Proceedings before a board are civil, not criminal, in nature.

RECOMMENDATIONS

The Alberta Human Rights Commission recommended to the Government of Alberta, through the Minister of Labour, that the Individual's Rights Protection Act be amended to: ensure broader coverage of rights; clarify the intent of certain sections of the Act; facilitate better enforcement; and, remove inconsistencies between sections of the Act. The recommendations included:

MENTAL DISABILITY

To include mental disability as a protected ground. Public hearings were held on the Commission's proposed recommendation, to give the mentally disabled similar protection afforded to the physically disabled. The final recommendation was sent to the Minister of Labour on March 23.

BONA FIDE OCCUPATIONAL REQUIREMENT

To remove this defence for respondents. A bona fide occupational requirement, by its very nature, is considered nondiscriminatory because it is a necessary requirement of the job, even though there may be those who, for reason of physical disability, religious beliefs, or other protected ground, cannot perform the job because of the requirement.

Removal of this defence would require employers, short of undue hardship, to reasonably accommodate employees in their religious beliefs, physical disability, or other protected ground.

SEXUAL HARASSMENT

To specify in the Act that sexual harassment is discrimination on the grounds of sex, and that an employer is responsible to correct the misconduct if he or she has knowledge of it. This would make it abundantly clear that individuals are protected in this area.

DOMESTIC AND LIVE-IN FARM EMPLOYEES

To provide protection from sexual harassment and on the grounds of pregnancy to domestic and live-in farm employees.

RETALIATION

To outline more specifically the protection against retaliation provided to those who assist in the investigation and enforcement of a complaint of discrimination.

INVESTIGATIVE POWERS

To provide powers needed to properly investigate a complaint. This would, for example, help avoid situations where an employer refuses to have the Commission interview an employee.

PUNITIVE AND GENERAL DAMAGES

To give boards of inquiry discretionary power to award punitive and general damages. The Court of Queen's Bench of Alberta had decided that, under the Act, no such damages could ever be awarded.

PREGNANCY

To delete the word "only" before the word "pregnancy" in Section 7(1.1.). This subsection was incorporated to protect female employees from discrimination because they had become pregnant during their employment. The current language allows for pregnancy to be a reason for discrimination, even the principal reason, but if there is any other cause present for the employer's actions, such as firing, or refusing to promote an employee because she is pregnant, Section 7(1.1) is ineffectual. Removing "only" would accord the ground of pregnancy the same status as all other protected grounds in the Act.

EDUCATION AND PROMOTION

The Alberta Human Rights Commission was involved in numerous programs and projects to educate the public and promote human rights in Alberta in 1986-87. These included seminars, presentations and the popular workshops given by the Commission's education officers; a number of new and innovative public affairs efforts; and public meetings on topics relevant to human rights. Commissioners and staff were also involved with in-service training, and heard presentations from individuals and groups, to enhance their own general awareness and knowledge of human rights issues and topics.

EDUCATION

An important mandate of the Alberta Human Rights Commission, as prescribed in the Individual's Rights Protection Act, is "to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, physical disability, age, ancestry or place of origin...". Such programs also cover the protected grounds of marital status and pregnancy in the area of employment.

The education program is aimed at three main groups: schools, special interest groups and employers. The Commission's four education officers conducted workshops and seminars, gave consultations and made public presentations.

The pace of educational activity continued to accelerate. Three hundred and forty three groups were addressed and 10,637 people participated in workshops, compared to 281 presentations and 8,676 participants in 1985-86. Human rights workshops and presentations dealt with a number of topics, including the Individual's Rights Protection Act, sexual harassment, job interviews, bona fide occupational requirements, the

Canadian Charter of Rights and Freedoms, and equal opportunities in employment, among others.

Education officers attended a number of conferences; they manned the human rights display booth, distributed literature, and spoke to conference delegates on similar subjects.

Among the groups which requested presentations or consultations were: schools, colleges and universities; government supervisors; participants in employment programs; employers; multicultural groups; immigrant associations and groups; disabled groups; volunteer organizations and others.

Throughout the year, the chairman and commissioners spoke to individuals and groups, including chambers of commerce, multicultural groups, associations for the disabled, ethnic communities, students and employers.

INFORMATION SESSIONS

Guest speakers provided commissioners and staff with new insights into a number of human rights topics.

A representative of the Canadian Human Rights Commission spoke about the federal commmission's pay equity legislation. She gave an overview of the philosophy and intent of the pay equity concept, and the work being done by the commission in enforcing the law.

A representative of the federal employment and immigration department came to Edmonton from Ottawa to speak to the Commission on Employment Equity and the Federal Contractors Program.

PUBLIC AFFAIRS/PROMOTION

In 1986-87 the public affairs and promotional activities of the Commission included:

- Introducing the Alberta Human Rights Award at a reception for dignitaries from many walks of life in Edmonton on December 10, which is annually celebrated as International Human Rights Day
- Creating a display in the Legislature's Pedway area for the human rights award, and promoting the award through newspaper advertising and direct mail
- Conducting public hearings into the Commission's proposal that mental disability be included in the Individual's Rights Protection Act as a prohibited ground of discrimination
- Establishing a speaker's bureau comprised of commissioners and senior staff, and promoting it through direct mail notices to ethnic communities, employers, and special interest groups
- Redesigning the appearance of, and establishing new contents for, the Commission's quarterly publication, the Alberta Human Rights Journal
- Periodically releasing to news media the details of complaints settled by the Commission as a way to inform the public about Alberta's human rights act
- Responding to news media enquiries about the Act and on specific topics, such as sexual harassment, pregnancy as a protected ground, and including mental disability as a protected ground under the Act
- Printing and distributing a brochure explaining the mandate and work of the Commission, with data sheets on specific subjects
- Writing, editing and printing the 1985-86 annual report, which was redesigned
- Advertising public meetings of the Commission

PUBLIC MEETINGS

As part of its education mandate, the Commission opens a portion of some meetings to the public. Following are the subjects of the various presentations made to the Commission during such meetings in 1986-87.

- The Sikh Religion, by Dr. Amrick Singh Ahluwalia
- Physical disabilities, by Lee Bussard, who presented a special video called "More Alike Than Different"
- Pay Equity, with Frances Adams, Lisa Walter and Amanda LeRougetel of the Alberta Status of Women Action Committee
- Putative discrimination, by Christopher Rigg, President of the Calgary Civil Liberties Association
- Discrimination against members of high risk AIDS groups and the acquired immune deficiency syndrome, by Michael Phair, of the AIDS Network of Edmonton, and Tom Rash, of the AIDS Calgary Awareness Association, respectively
- Equal Pay for Work of Equal Value, by Margaret Revill of the Alberta Federation of Women United for Families and Joanne Lewicky, Alberta representative of REAL Women of Canada (Realistic, Equal and Active for Life)

The Commission also heard presentations on its proposal to include mental disability as a prohibited ground of discrimination. Ten groups and individuals made presentations based on their written submissions. A total of 28 submissions were received.

SPECIAL PROGRAM

The Commission's regional directors took part in a one-week in residence pilot course in February called "Avalon: Management Strategies for Cultural Diversity." The course, acknowledging the province's multicultural diversity, will help managers deal effectively with employees of diverse cultural backgrounds. Sponsored by Alberta Culture's Institute of Multicultural Resource Development, the course looks at, among other things, multicultural and human rights laws.

The Commission's Executive Director is a member of the advisory committee to the Institute of Multicultural Resource Development. The committee is represented by various government agencies, to take a focused, coordinated look at services of the Institute. Other members are the departments of Career Development and Employment, Advanced Education, and Economic Development and Trade.

COMPLAINT PROCEDURE

When the Alberta Human Rights Commission receives a complaint alleging an act of discrimination, a human rights officer first determines whether the Commission has jurisdiction in the area and whether there are 'reasonable grounds' to believe discrimination has occurred.

When it appears that the Individual's Rights Protection Act has been contravened, the complainant is required to sign a complaint form before the Commission can investigate. The respondent, or party against whom the complaint is lodged, is notified of the complaint before any further action is taken.

Individuals wishing to protect their rights must accept the responsibility of signing a complaint form within six months of the alleged act of discrimination. Once the form is signed, the respondent, or person who is alleged to have discriminated, is notified of the complaint.

Commission investigations are objective and impartial. Respondents and complainants are both given an equal opportunity to present their respective positions.

The Commission will dismiss a complaint at any stage of the proceedings if, in its opinion, the complaint is without merit. If it is determined that the Act is contravened, commission officers attempt to negotiate a settlement. Because each case is unique, negotiated settlements can vary from letters of apology to cash settlements for lost wages. Commission officers do not have the power to order a settlement. However, the Commission aims to resolve complaints to the satisfaction of both parties.

When the Commission is unable to settle a complaint, it may direct the Minister to appoint a board of inquiry, a quasi-judical body, to formally conduct an inquiry (see page 3 for an explanation).

COMPLAINTS OF DISCRIMINATION

Human rights officers attempt to resolve complaints which fall under the jurisdiction of the Individual's Rights Protection Act. In most cases, complaints are satisfactorily settled between the complainant and the respondent.

Some examples of these cases settled in 1986-87 are given here, as are some complaints dismissed because of no substantiation or other reasons.

EXAMPLES OF SETTLED CASES

AREA OF EMPLOYMENT

(1) Grounds: Pregnancy

A female employee of an Alberta municipality alleged her employer discriminated against her on the grounds of pregnancy. She was hired for a three-month summer job mowing lawns, removing weeds, painting, and picking up garbage. After two months on the job, she learned she was in her early months of pregnancy. The foreman, stating he did not wish to be responsible for a miscarriage, decided to fire her. Her doctor was aware of her employment, but felt it posed no danger to her pregnancy.

In its investigation, the Commission found the employee's complaint was merited. As a result, a settlement of $935 was negotiated for the complainant.

It is a contravention of Section 7(1) of the Individual's Rights Protection Act (IRPA) to discriminate in employment because of pregnancy.

(2) Grounds: Retaliation

Three managers of large company alleged retaliation by the employer against themselves as a result of their supporting a female employee in her allegations of sexual harassment by the general manager. The employer threatened to sue them for defaming the general manager's character.

All three managers decided to leave the company because of the work situation. As a result, the Commission mediated settlements on their behalf of $10,600, $9,000 and $10,000 respectively, which the company paid.

It is a contravention of Section 11 of the IRPA to intimidate, coerce, or otherwise discriminate against a person for assisting in the prosecution of a complaint.

(3) Grounds: Sex (Sexual Harassment)

Two women filed separate complaints against their employer alleging that they were subjected to unwanted physical and verbal sexual advances. When they objected to the conduct of the male supervisor involved, one of them was threatened with termination of employment, the other's hours had been cut back. Both women quit their jobs with the restaurant - one because her hours had been cut back, the other because she had not been recalled following the closing of the lounge for renovations. They also complained to the Alberta Human Rights Commission. The matter was settled when the two women received $600 and $800 respectively from the restaurant as compensation for lost wages. The employer also agreed to abide by the principles of the IRPA. Sexual harassment is sex discrimination under the Act.

(4) Grounds: Pregnancy Sex

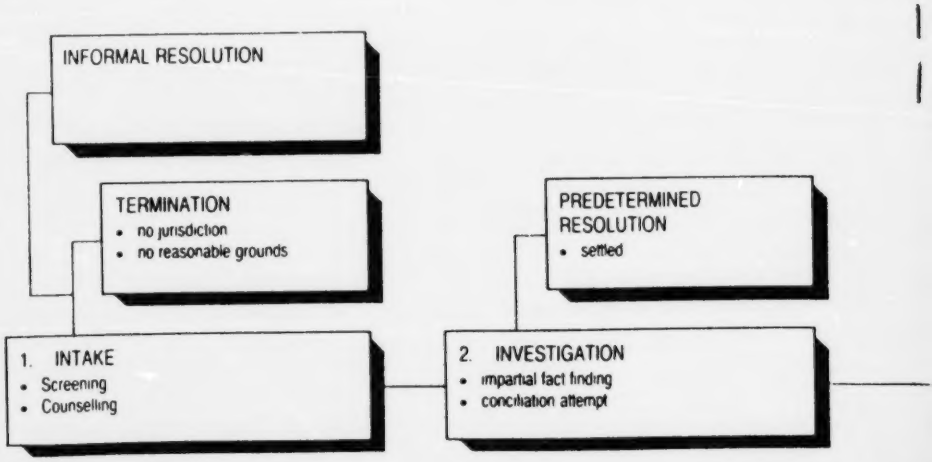
A clerk who was absent from work because of a miscarriage and denied paid illness leave was given lost wages by her employer after she complained to the Commission.

The clerk was covered under a collective agreement which provided for paid sick leave. Although medically certified as unable to work because of illness following her miscarriage, she was denied benefits by the employer because the collective agreement specifically stated that illness does not include pregnancy.

The agreement was signed before the IRPA was amended in June 1985 to include pregnancy as a protected ground in employment on the basis of sex.

HOW COMPLAINTS ARE HANDLED

Most complaints to the Alberta Human Rights Commission are resolved in four or fewer steps. Complaints may be resolved, or dismissed, at any step in this process. Unresolved complaints may go to a board of inquiry.



In settlement, the employee received lost wages, which in turn resolved the grievance she had filed with her union.

Through contract negotiations with the bargaining agent, the collective agreement was revised to comply with the Act. The agreement now distinguishes between pregnancy and a medically certified illness during pregnancy, which would be covered under illness benefits.

It is a contravention of Section 7(1)(b) of the Act to discriminate on the grounds of pregnancy during employment.

(5) Grounds: Age

A 69-year old school bus driver accepted a cash settlement after his employer, an Alberta municipality, refused to renew his contract because of his age.

The complainant drove a bus for 20 consecutive years with the same municipality, whose policy stated that drivers over 65 would be employed only if younger qualified drivers were unavailable. When a younger man applied for the job, the employer decided not to renew the complainant's contract, even though the man was medically fit and met all qualifications for the position.

The employer maintained that a more suitable employee was hired and that any decisions on the basis of age were justified for public safety. However, the employer was unable to show the complainant posed a risk to public safety because of his age.

The employer offered the complainant $2,000 in compensation. The employer also agreed to remove all references to age in its employment policy, and assured the complainant his age would not be a factor in future applications of employment.

It is a contravention of Section 7(1) (a) and (b) of the Act to discriminate on the grounds of age in employment.

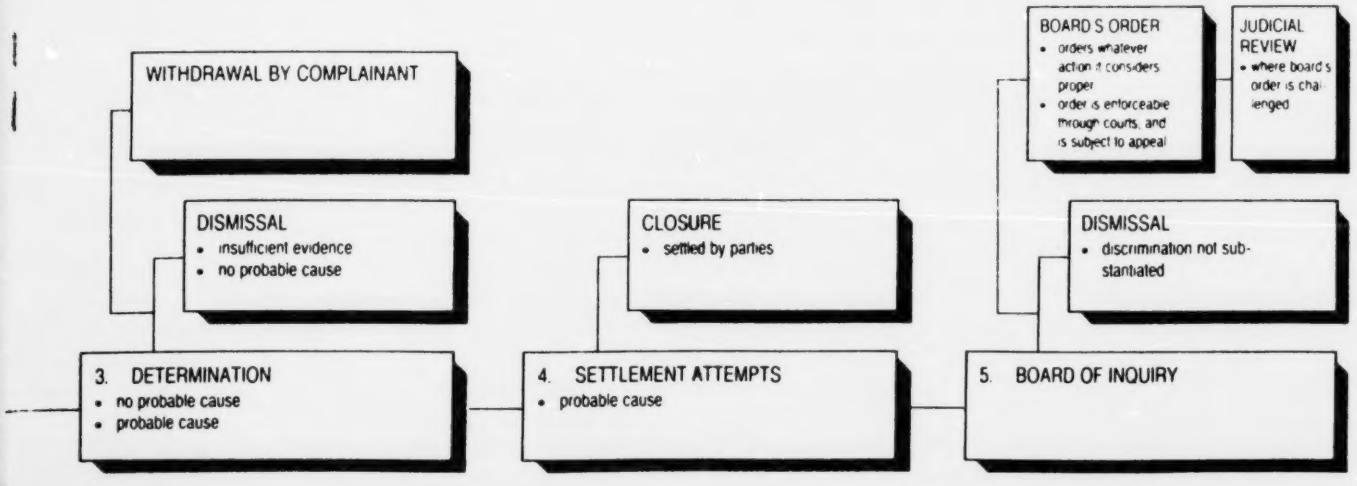
AREA OF SERVICES

(1) Grounds: Physical Disability

A diabetic student certified as legally blind complained to the Commission when her professor refused to permit her to record lectures on a tape recorder because it was disruptive. The student was told she had other options, such as extra tutorial time and being provided lecture notes. These options were impractical for her.

Moreover, the student's other professors had given her permission to record lectures. The matter was resolved when the university agreed to allow students with physical disabilities to electronically or mechanically record lectures if such assistance was required.

It is a contravention of Section 3(b) of the IRPA to discriminate on the basis of physical disability in any services customarily available to the public.



EXAMPLES OF DISMISSED COMPLAINTS

AREA OF EMPLOYMENT

(1) Grounds: Physical Disability

A caretaker complained to the Commission alleging discrimination on the grounds of physical disability when he was terminated from his job as a janitor. He believed that the reason for this was because he had polio. The complainant also filed a grievance with his union for wrongful dismissal. A labour arbitration hearing ruled that he was wrongfully dismissed and awarded him more than $13,000 in damages. The arbitration board heard evidence concerning the complainant's physical disability and considered this in the granting of the award. The Commission dismissed the complaint on the basis of 'res judicata', meaning that the subject matter of the complaint had already been heard by a tribunal of competent jurisdiction.

(2) Grounds: Sex

A man lodged a complaint with the Commission alleging that his employer told him that he was being laid off from his job as a cook because the employer wanted a female for that position. The reason given on his separation papers was shortage of work. The investigation revealed that there had been complaints about the lack of cleanliness in his kitchen and his cooking, and that he had been given a warning to improve or be terminated.

The company hired a female as cook. The complaint was dismissed because there was no evidence to indicate that the man's sex was a factor in his termination.

(3) Grounds: Pregnancy

A motel manager alleged discrimination in her employment when she was notified of her pending termination due to pregnancy.

She based her allegations on a private conversation she claimed to have had with a company official who told her she was being terminated because of pregnancy. The company disputed the allegations, saying no termination date was ever given and that the conversation she had with the official was over a replacement for her during maternity leave. Staff members did not support the complainant's allegation and information was provided that did not favour her. It was found that previously, pregnant employees had been allowed by the employer to go on maternity leave and return to their jobs. Investigation showed further that the complainant quit the job after her husband found work in another city. The complaint was dismissed.

AREA OF SERVICES

(1) Grounds: Race & Colour

A complainant alleged that she was being discriminated against because of her race and colour by her school teacher when she was asked to re-write an examination.

The Commission's investigation revealed that the student had been asked to rewrite two exams. The teacher suspected that the student had cheated on the first exam and the second exam had gone suspiciously "missing". The teacher had legitimate reason to believe that the student did not submit her second exam. The complainant was told that, since her race and colour did not seem to be factors in her being required to re-write the examination, her complaint was dismissed.

BOARDS OF INQUIRY

Following are the boards of inquiry in 1986-87 (see page 3 for an explanation on boards of inquiry).

1. Jaspal Singh Kang, Kamaljit Singh Gill and Manjit Singh Pannu against Prestige Cabs Ltd.
Chairman: Brian E. Scott

Messrs. Kang, Gill and Pannu filed separate complaints in March 1985 against Prestige Cabs Ltd. of Calgary, alleging discrimination in employment on the basis of religious beliefs. The three complained they had been denied the opportunity to apply for a job with Prestige Cabs, which had a policy not to hire people who have beards or wear turbans. When the Commission was unable to resolve the complaint, it requested that a board of inquiry be appointed.

The board ruled in favour of the three complainants stating that they were discriminated against by the cab company on the basis of their Sikh religious beliefs when it required them to be clean shaven and not wear a turban. The cab company was also ordered to restore to the complainants their rights, opportunities and privileges that they were denied, including the opportunity to apply and be considered in a fair and equitable manner for taxi driver positions with the company.

2. Anne McKale against Lamont Auxiliary Hospital and Nursing Home District No. 23
Chairman: Duncan Stewart, Q.C.
(see also under Judicial Decisions)

Anne McKale filed a complaint in which she claimed that she was discriminated against on the basis of her sex when she applied for a full-time position as a nursing orderly and a male employee was selected for the position. The

employer acknowledged that the sex of the successful applicant was a significant factor in their selection. The board decided in favour of the employer, stating that its preference for a male employee was a bona fide occupational requirement in view of the needs of their patients. The Commission appealed the decision.

3. Laraine Bourque against Westlock School Division No. 39
Chairman: Peter Knaak
(see also under Judicial Decisions)

Laraine Bourque claimed that the Westlock School Division discriminated against her children because of their religious beliefs when it refused to continue to provide bussing to them. The board of inquiry sat on October 20, 1986 but it adjourned for the purpose of stating a special case, or acquiring a legal opinion, in the Court of Queen's Bench. The board wanted to know whether school bussing was a service customarily available to the public. The decision of the Court was that the Bourque children, being in the Separate School system, were not the public to which the services of the Westlock School Division were customarily available. Consequently, the court said there was no discrimination against them. The board was unable to hear the complaint because of this decision. The Commission appealed the matter to the Court of Queen's Bench.

4. Olive Dickason against the University of Alberta
Chairman: Ken Alyluia

Professor Olive Dickason filed a complaint of age discrimination, alleging that she was required by her employer to retire upon reaching the age of 65 years. The board of inquiry commenced its hearing into the matter in September 1986. Hearings were scheduled for the months of June and July 1987.

5. Oleh Zujewskyj against the University of Alberta
Chairman: Ken Alyluia

Professor Oleh Zujewskyj filed a complaint of age discrimination by his employer, alleging that he was required to retire upon reaching 65 years. The board is in abeyance pending the outcome of the board hearing Professor Olive Dickason's complaint against the University of Alberta.

6. Aleksandra Vinogradov against the University of Calgary
Chairman: E.M.N. Macdonald

Aleksandra Vinogradov, a native of the Soviet Union, filed a complaint against her employer, the University of Calgary, in August 1985. She claimed that she was discriminated against in not being considered for an employment opportunity because of her sex, place of origin and ancestry. A board was appointed in March 1987 and the hearing was scheduled for September 1987.

7. Suneet Singh Tuli against the St. Albert Separate School District No. 6
Chairman: J. Philip Warner

Mr. Suneet Singh Tuli, a grade 12 student, filed a complaint on 10 April 1985 against the St. Albert Separate School Board alleging that it passed a resolution denying him permission to wear a ceremonial sword, known as a kirpan, to school. Mr. Tuli was required to wear a kirpan after his baptism as a Sikh on 21 April 1985. On 19 April 1985 Mr. Tuli applied for, and was granted, an interlocutory injunction by the Court of Queen's Bench restraining the School District from carrying out its resolution on the kirpan. Mr. Tuli was consequently able to wear his kirpan to school for the rest of the school year after his baptism. The board of inquiry appointed to hear his complaint ruled in December 1986 that Mr. Tuli was not discriminated against on the basis of his religious beliefs because he was not denied permission to use the school services or school facilities. He was not a baptized Sikh until after the court injunction was granted and consequently there was no denial of services, or discrimination.

8. Diane Graling, Mona Dziuba, Debbie Leith, Sandy Johnson and Leah Dziuba against Community Bingo (Wetaskiwin) Ltd. and Harry Panoussus
Chairman: To Be Appointed

Five women filed separate complaints against their employer, claiming that they were sexually harassed on the job by their supervisor. The Commission directed the Minister of Labour to appoint a board of inquiry.

9. Barbara Shalenko against Deang, Estrella and Dynaware International Inc.
Chairman: To Be Appointed

Barbara Shalenko alleged that she was sexually harassed and terminated from employment. The Commission directed the Minister of Labour to appoint a board of inquiry.

JUDICIAL DECISIONS

If an order from a board of inquiry is challenged or appealed, it can be reviewed in court. Requests for opinions of law (stated cases) were also referred to the court.

1. In the Court of Queen's Bench of Alberta before the Honourable Justice Frederick R. McNaughton in the matter of a complaint by Jim Christie against the Central Alberta Dairy Pool

Mr. Christie alleged he was discriminated against on the basis of his religious beliefs when he was fired for having taken two days off for religious reasons. The employer maintained that there was no intentional discrimination and the company could not reasonably accommodate his request for time off because of the company's production requirements. A board of inquiry stated that the employer had a duty to accommodate Mr. Christie's religious requirements and ordered the employer to pay Mr. Christie $8,000 as partial compensation for income lost because of the discriminatory action. However, the board of inquiry refused to order his reinstatement because of the conflict between Mr. Christie's religious requirements and the requirement of his position in the company. The employer appealed the decision on the basis that there is no blanket duty to accommodate, especially where job requirements demand the employee's attendance.

Upon appeal, the Court of Queen's Bench ruled in favour of the employer, stating that there are limits upon the duty of employers to reasonably accommodate an employee's religious beliefs. Where attendance at work is established as a bona fide requirement of the job there is no duty to accommodate. The Commission appealed this decision to the Alberta Court of Appeal.

2. In the Court of Queen's Bench of Alberta before the Honourable Justice J.D. Bracco for a stated case decision in the matters of a complaint by Jaspal Singh Kang, Kimaljit Singh Gill and Ranjit Singh Pannu against Prestige Cabs Ltd.
(see also under Boards of Inquiry)

Messrs. Kang, Gill and Pannu filed complaints in March 1985 against Prestige Cabs Ltd. of Calgary, alleging discrimination in employment on the basis of religious beliefs. The three complained they had been denied the opportunity to apply for a job with Prestige Cabs, having been told by the company that it did not hire people who have beards or wear turbans.

A question arose during the hearings as to whether or not cab drivers should be considered "employees" within the meaning of the Individual's Rights Protection Act and the matter was therefore referred, by way of a stated case, to the Court of Queen's Bench for an opinion of law.

The Court of Queen's Bench decided in favour of the three complainants when it ruled that the relationship between the taxi driver and the cab company was one of employer and employee for the purposes of Section 7 of the Individual's Rights Protection Act. The cab company unsuccessfully appealed the decision to the court of appeal.

3. In the Court of Queen's Bench of Alberta before the Honourable Justice A.H. Wachowich for a stated case decision in the matter of a complaint by Laraine Bourque against Westlock School Division No. 39
(see also under Boards of Inquiry)

Ms. Laraine Bourque alleged that the Westlock School Division discriminated against her children because of their religious beliefs when it refused to continue to provide bussing to them. The Court of Queen's Bench ruled that although student transportation is a service available to the public, the public is in this case limited to residents of the Westlock School Division. The Bourque children, being 'separate school' residents, are not the public to which the Westlock services are customarily available. Consequently, there was no discrimination.

4. In the Court of Queen's Bench of Alberta before the Honourable Madam Justice Ellen Picard in the matter of a complaint by Anne McKale against the Lamont Auxiliary Hospital and Nursing Home District No. 23
(see also under Boards of Inquiry)

When the decision of the board of inquiry was appealed by the Commission, the Court of Queen's Bench decided in favour of the hospital. The Court affirmed the decision of the board that client preference for a male attendant is a bona fide occupational requirement.

OMBUDSMAN OF ALBERTA

During 1986-87, the Alberta Ombudsman received six complaints against the Alberta Human Rights Commission contending that the Commission had either not properly investigated complaints or refused to accept complaints under the Individual's Rights Protection Act.

In the first case, the Ombudsman concluded that the Commission had carried out a fair and impartial investigation.

In another case, the Ombudsman's conclusion was that the Commission was justified in refusing to accept a complaint because it did not fall within jurisdiction of the Act.

In a third case, the individual complained to the Ombudsman about the Commission's procedures to accept complaints within the prescribed time limits. Before the Ombudsman completed his investigation, the complainant asked that the matter be held in abeyance. Notwithstanding this complaint, the Commission had reviewed its procedure and appropriate changes made to ensure time requirements would be met.

In another case, a man attempted to file a complaint in another province only to find out that the complaint should have been filed in Alberta where he had initially made inquiries. However, it was too late to file a complaint in Alberta because of the statutory six month time limit for doing so. The Commission has initiated an administrative change to accept such a complaint subject to confirmation of jurisdiction which would prevent repetition of such a situation.

The Ombudsman had not concluded his investigation in two other cases.

COMMISSIONERS

Chairman Stan Scudder
1 April 1981 to 31 March 1985
Reappointed 1 April 1985 to 31 March 1987
Appointed Chairman 1 January 1986 to 31 March 1987
Reappointed Chairman 1 April 1987 to 31 March 1989

Stan Scudder, born in Winnipeg, Manitoba, is an insurance broker in Edmonton and has been associated with the insurance industry for the past 40 years. He is past chairman of the Church and Society Committee, a subcommittee of the Edmonton Diocese of the Anglican Church. The committee deals with such topics as justice, native concerns and the problems of the needy and oppressed. Mr. Scudder was the founding president of the Westmount Christian Council, an ecumenical group in Edmonton.

Barbara Tate
1 February 1986 to 31 January 1990

Barbara Tate was born and raised in New Norway, Alberta. She is Manager, Human Resources with Nova, An Alberta Corporation, Calgary, and has background in the property development industry and in the municipal affairs and human resources fields. She is a member of the Calgary Personnel Association and serves on the employer-employee relations committee of the Calgary Chamber of Commerce.

Enrico Lazo
1 February 1986 to 31 January 1990

Enrico Lazo, born and raised in Manila, Philippines, migrated to Canada in 1977. A computer system analyst, banker and farmer, he has been a resident of Alberta since 1980. He was head of the computer department of a commercial geophysical data management records centre in Calgary. Mr Lazo was involved with the Western Canada Games in 1983 and the Alberta Provincial Games for the Physically Disabled in 1985. He is active in the Filipino-Canadian community affairs in Southern Alberta and Chairman, Board of Trustees, NEPA (National Endeavours of Filipino Associations), a Filipino benevolent society.

Edna Short
1 January 1986 to 31 December 1989

Edna Short, born in Saskatchewan, has lived in Red Deer since 1962 where she is employed part-time as campaign director of the Red Deer and District United Way. She is a director of both the Chamber of Commerce and Agritrade, a joint venture of the Chamber of Commerce and the Western Exposition of Red Deer. Mrs. Short has been associated for more than 28 years with the Girl Guides of Canada at the local and provincial level and is presently deputy division commissioner in Red Deer. She is a past director of both the YMCA (Young Men's Christian Association) and the United Way and she is parish administrator for St. Leonard on the Hill Anglican Church.

Pearl Calahasen
1 November 1986 to 31 October 1989

Born in Grouard, Alberta, Pearl Calahasen has taught all grade levels at the Alberta Vocational College in Grouard. She is supervisor of Native Programs for the Northlands School Division and seconded to Alberta Education with its Native Education project. She was a continuing education coordinator and a member of the Minister's Advisory Committee on University Affairs. Ms. Calahasen is a member of the Alberta Metis Association, the Alberta Teachers Association, and is the Alberta representative on the National Committee for Language Development and Native Education.

William Leslie
1 November 1984 to 31 October 1988

William Leslie is a Grande Prairie businessman with many years of management experience. He is currently employed at Trumpeter Travel in Grande Prairie as an outside salesman. Actively involved in school board affairs, Mr. Leslie has served for 22 years as a Grande Prairie school trustee. In addition to being a member of the Alberta School Trustees Association, he has participated in two educational finance task forces.

Continued

Suzanne Mah
1 November 1984 to 31 October 1988

Suzanne Mah is a lawyer in the City of Edmonton. Her area of practice includes corporate and small business law, commercial law and real estate. Ms. Mah also teaches legal relations courses in the Faculty of Business at the University of Alberta. She is a member with Edmonton Immigrant Services Association, a member of the board of directors of the Alberta Cultural Heritage Foundation and a member of the Mah Society and the Chinese Benevolent Society.

Gerri Many Fingers
7 July 1982 to 30 June 1986
(Term Completed)

A resident of Cardston, Gerri Many Fingers is a clothes designer and a commercial development co-ordinator for the Blood Tribe Economic Development department. She has been involved in a number of community projects, including volunteer work with the Southern Alberta Native Handicapped Society. Before joining the economic development group 15 years ago she worked for a bank, an insurance company, a radio station and the federal department of Indian and Northern Affairs.

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STATISTICS

SUMMARY

TOTAL ACTIVITIES IN 1986-87

TELEPHONE ENQUIRIES	9,361
*ENQUIRIES WITHIN JURISDICTION OF COMMISSION	1,420
FORMAL COMPLAINTS RECEIVED	287
COMPLAINTS OPENED AND CLOSED (1986-87)	228
COMPLAINTS CLOSED INCLUDING THOSE OF PREVIOUS YEARS	297
EDUCATION WORKSHOPS AND SEMINARS	343
SPEECH, WORKSHOP AND SEMINAR PARTICIPANTS	10,637
MEDIA CONTACTS	180

*Enquiries outside the Commission's jurisdiction were referred to the appropriate government or non-government agency or organization.

STATISTICS

EDUCATION ACTIVITIES

TOTAL WORKSHOPS, SPEECHES AND PRESENTATIONS	343
TOTAL NUMBER OF PARTICIPANTS	10,637

WORKSHOPS, SPEECHES, PRESENTATIONS (percentage of total)

SCHOOLS[1]	138 (40.2%)
EMPLOYERS[2]	142 (41.4%)
SPECIAL INTEREST GROUPS[3]	63 (18.4%)
TOTAL	**343** (100.0%)

WORKSHOP PARTICIPANTS (percentage of total)

SCHOOLS[1]	4,021 (37.8%)
EMPLOYERS[2]	3,262 (30.7%)
SPECIAL INTEREST GROUPS[3]	3,354 (31.5%)
TOTAL	**10,637** (100.0%)

Education topics included: general information on the Individual's Rights Protection Act; sexual harassment; equal opportunities in employment; services of the Alberta Human Rights Commission; job interviews; equal pay; and lodging complaints, among others.

[1] includes junior and senior high schools, community colleges, vocational centres, institutes of technology, universities, and elementary schools

[2] includes non-government and government employers

[3] includes groups representing businesses, women, ethnicities, the disabled, professions and trades, and unions, among others

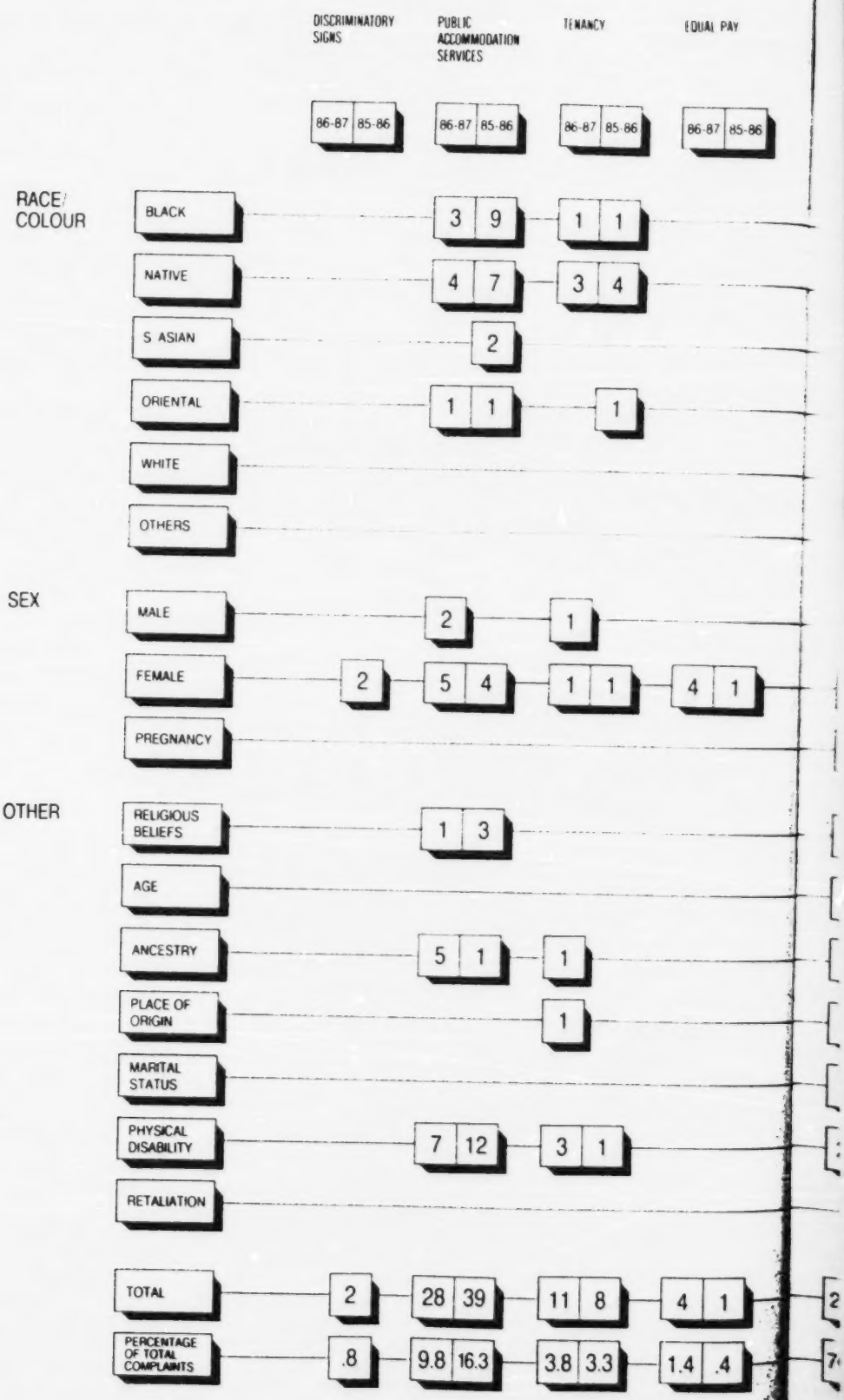
MEDIA CONTACTS

MEDIUM (percentage of total)

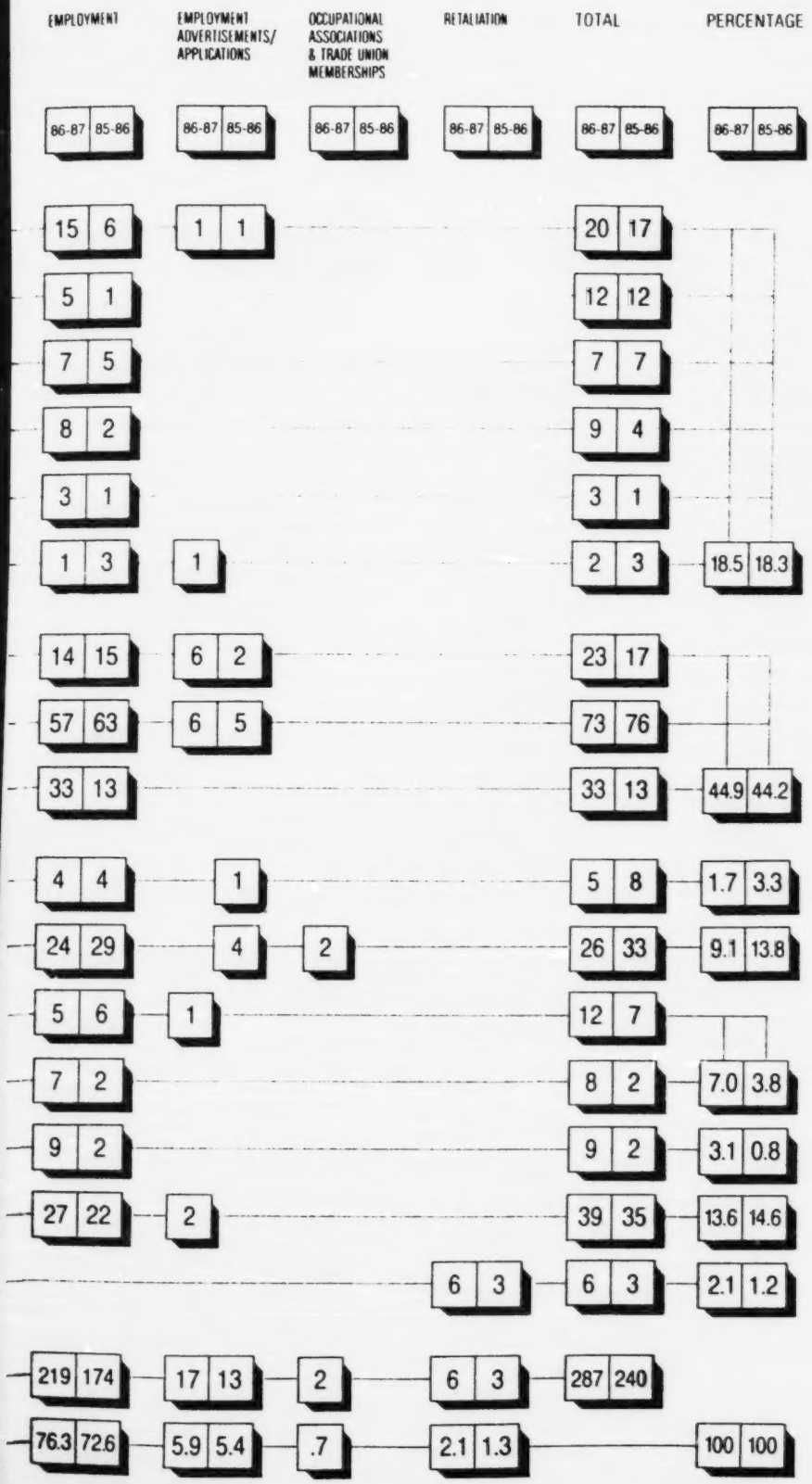
RADIO	72 (40%)
TELEVISION	25 (14%)
PRINT	83 (46%)
TOTAL	**180** (100%)

STATISTICS

COMPLAINTS FOR TOTAL PROVINCE 1986-87 – 1985-86



STATISTICS


EMPLOYMENT
EMPLOYMENT ADVERTISEMENTS/ APPLICATIONS
OCCUPATIONAL ASSOCIATIONS & TRADE UNION MEMBERSHIPS
RETALIATION
TOTAL
PERCENTAGE
86-87 85-86
15 6 1 1 20 17
5 1 12 12
7 5 7 7
8 2 9 4
3 1 3 1
1 3 1 2 3 18.5 18.3
14 15 6 2 23 17
57 63 6 5 73 76
33 13 33 13 44.9 44.2
4 4 1 5 8 1.7 3.3
24 29 4 2 26 33 9.1 13.8
5 6 1 12 7
7 2 8 2 7.0 3.8
9 2 9 2 3.1 0.8
27 22 2 39 35 13.6 14.6
6 3 6 3 2.1 1.2
219 174 17 13 2 6 3 287 240
76.3 72.6 5.9 5.4 .7 2.1 1.3 100 100

STATISTICS

COMPLAINTS CLOSED: RESULTS

CASES OPENED AND CLOSED IN 1986-87

SETTLEMENTS*	162
WITHDRAWN/PENDING CLOSE	49
DISMISSED	17
TOTAL	**228**

*Total monetary settlements of 228 cases opened and closed in 1986-87: $62,937
Settlements also included letters of apology, reinstatement of jobs, and agreements by respondents to cease acts of discrimination, among others.

CASES CLOSED IN 1986-87
(includes complaints from previous fiscal years)

SETTLEMENTS**	214
WITHDRAWN/PENDING CLOSED	59
DISMISSED	24
TOTAL	**297**

**Total monetary settlements of 297 complaints closed in 1986-87: $124,842
Settlements also included letters of apology, reinstatement of jobs, and agreements by respondents to cease acts of discrimination, among others.

TIMELINES

AVERAGE TIMES TO HANDLE THE 228 COMPLAINTS WHICH WERE OPENED AND CLOSED IN 1986-87:

30 DAYS OR FEWER	60 DAYS OR FEWER	90 DAYS OR FEWER	OVER 90 DAYS
137 COMPLAINTS	39 COMPLAINTS	14 COMPLAINTS	38 COMPLAINTS*

AVERAGE TIMES TO HANDLE THE 297 COMPLAINTS WHICH WERE CLOSED IN 1986-87:

30 DAYS OR FEWER	60 DAYS OR FEWER	90 DAYS OR FEWER	OVER 90 DAYS
145 COMPLAINTS	40 COMPLAINTS	20 COMPLAINTS	92 COMPLAINTS*

OVERALL AVERAGE TIME TO CONCLUDE CASES: 94.6 DAYS

*Includes boards of inquiry and judicial decisions

STATISTICS

COMPLAINTS BY PROHIBITED AREAS OF DISCRIMINATION

1986-87 (1985-86)

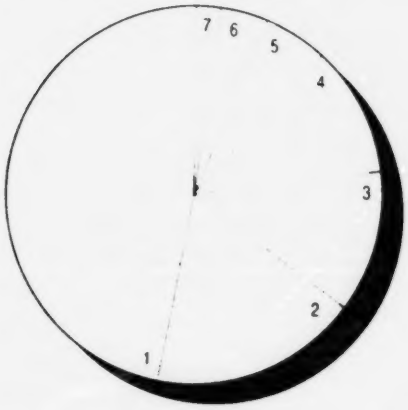
1. EMPLOYMENT 76.3% (75.4%)
2. SERVICES AND ACCOMMODATION 9.8% (16.9%)
3. EMPLOYMENT ADVERTISMENTS, APPLICATIONS 5.9% (5.6%)
4. TENANCY 3.8% (0.3%)
5. RETALIATION 2.1% (1.4%)
6. EQUAL PAY 1.4% (0.4%)
7. OCCUPATIONAL MEMBERSHIPS, UNIONS 0.7% (0.0%)

COMPLAINTS BY PROHIBITED GROUNDS OF DISCRIMINATION IN EMPLOYMENT*

1986-87 (1985-86)

1. SEX 47.5% (52.3%)
2. RACE AND COLOUR 17.8% (10.3%)
3. PHYSICAL DISABILITY 12.3% (12.6%)
4. AGE 11.0% (16.7%)
5. ANCESTRY AND PLACE OF ORIGIN 5.5% (4.6%)
6. MARITAL STATUS 4.1% (1.2%)
7. RELIGIOUS BELIEFS 1.8% (2.3%)

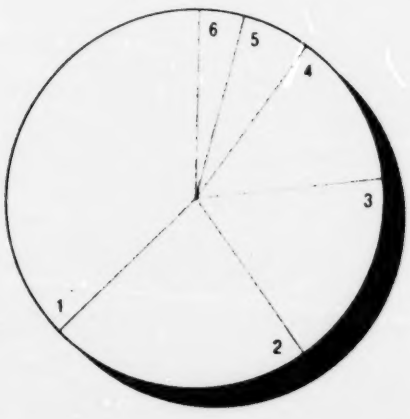
*The majority of complaints is in the area of employment.



PERCENTAGE OF COMPLAINTS ON BASIS OF COLOUR/RACE

1986-87 (1985-86)

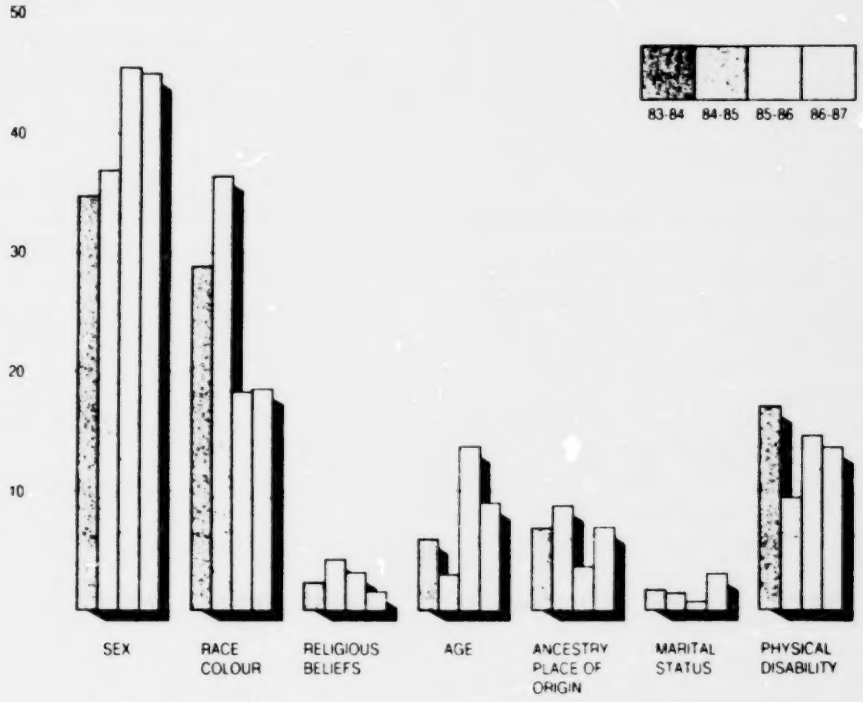
1. BLACK 37.7% (38.6%)
2. NATIVE 22.6% (27.3%)
3. ORIENTAL 17.0% (9.1%)
4. SOUTH ASIAN 13.2% (15.9%)
5. WHITE 5.7% (2.3%)
6. OTHERS 3.8% (6.8%)



STATISTICS

PERCENTAGE OF COMPLAINTS BY GROUNDS

FOUR YEAR COMPARISON



PREGNANCY AND AGE COMPLAINTS

PREGNANCY COMPLAINTS*	
SETTLED	14
WITHDRAWN	9
DISMISSED	2
ACTIVE	8
TOTAL	**33**

*Pregnancy was added to the Individual's Rights Protection Act as a protected ground under sex in June 1985.

AGE COMPLAINTS**	
SETTLED	13
WITHDRAWN	4
DISMISSED	5
ACTIVE	3
TOTAL	**26**

**Age was expanded to cover Albertans 18 years of age and older rather than only those between 45 and 65 years, as was the case before the Act was amended in June 1985.